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9 UNITED STATES DISTRICT COURT  
10 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

11 KEITH L. NASH,

12 Petitioner,

13 v.

14 TONY SHAVER.

15 Respondent.

No. C11-5696 RJB

ORDER ADOPTING A REPORT  
AND RECOMMENDATION

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17 This matter comes before the Court on the Report and Recommendation of the  
18 Honorable J. Richard Creatura, United States Magistrate Judge, dated September 27,  
19 2011. Dkt. 3. The Magistrate Judge recommends that this successive habeas corpus  
20 petition be transferred to the Ninth Circuit Court of Appeals. No objections have been  
21 filed.  
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23 The Court, having reviewed the Report and Recommendation of Magistrate Judge  
24 J. Richard Creatura, and the remaining record, does hereby find and **ORDER:**

1. The Court adopts the Report and Recommendation;
2. This Petition is transferred to the Ninth Circuit as second or successive as it appears to challenge the same conviction and sentence as a prior habeas corpus petition, C04-5785 FDB.
3. The Clerk's office is directed to transfer this petition to the Ninth Circuit and administratively close the file.

DATED this 31st day of October, 2011.

A handwritten signature in black ink, reading "Robert J. Bryan", written over a horizontal line.

ROBERT J. BRYAN  
United States District Judge